

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

NEW MEXICO HORSEMAN'S  
ASSOCIATION,

Plaintiff,

vs.

No. CIV 24-0432 JB/GJF

SUNRAY GAMING OF NEW MEXICO  
L.L.C., d/b/a SUNRAY PARK & CASINO, and  
ALL-AMERICAN RUIDOSO DOWNS, LLC,  
d/b/a RUIDOSO DOWNS RACE TRACK  
AND CASINO,

Defendants.

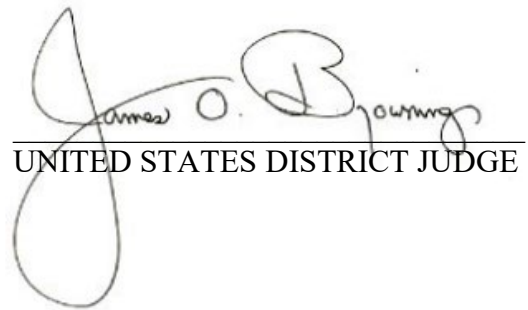
**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on the Plaintiff's *Expedited* Motion for Remand and for Costs and in the Alternative Motion to Amend to Disregard Reference to the United States Constitution in *Emergency Application* Attached to the Removal, Doc. 1, filed May 6, 2024 (Doc. 4)(italics in original)("Motion for Remand"). The Court held a hearing on May 22, 2024. See Notice of Motion Hearing on Expedited Motion for Remand, filed May 21, 2024 (Doc. 14)(text-only). For the reasons stated on the record at the hearing, the Court grants in part and denies in part the Motion for Remand. The Court concludes that the Defendants Sunray Gaming of New Mexico L.L.C. and All-American Ruidoso Downs, LLC ("the Defendants"), properly removed this case to the United States District Court for the District of New Mexico pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. See Notice of Removal, filed May 6, 2024 (Doc. 1). For this reason, the Court will not grant Plaintiff New Mexico Horseman's Association's request for "costs and attorney fees incurred in opposing Defendant's frivolous removal." Motion for Remand at 5.

Nevertheless, after considering carefully the statutory factors in 28 U.S.C. § 1367(c), and the values of judicial economy, convenience, fairness, and comity, see Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988), the Court concludes that it will not exercise supplemental jurisdiction over the remaining claims in this case, all of which arise under the laws or Constitution of New Mexico, see Amended Complaint for Declaratory Judgement [sic] and Request for Preliminary/Permanent Injunction at 2, filed May 6, 2024 (Doc. 3)(italics in original)(“Defendants have excluded members of Plaintiff’s association from the respective racetracks for the unlawful reason of their association with each other and/or their exercise of speech and petition the government for redress contrary the protection of those rights by the NM Constitution in violation of NMSA 1978 § 60-1A-28.1.”); Carnegie-Mellon Univ. v. Cohill, 484 U.S. at 351 (approvingly noting that “[w]hen the single federal-law claim in the action was eliminated at an early stage of the litigation, the District Court had a powerful reason to choose not to continue to exercise jurisdiction.”); Smith v. City of Enid By & Through Enid City Comm’n, 149 F.3d 1151, 1156 (10th Cir. 1998)(“When all federal claims have been dismissed, the court may, and usually should, decline to exercise jurisdiction over any remaining state claims.”). Moreover, the Plaintiff has represented in open court that, on remand in this case, it will not assert any claims or raise any issues that involve the Constitution of the United States or other federal law.

**IT IS ORDERED** that: (i) the Plaintiff’s *Expedited* Motion for Remand and for Costs and in the Alternative Motion to Amend to Disregard Reference to the United States Constitution in *Emergency Application* Attached to the Removal, Doc. 1, filed May 6, 2024 (Doc. 4), is granted in part and denied in part; (ii) the case is remanded to County of Chaves, Fifth Judicial District Court, State of New Mexico; (iii) the Plaintiff is not entitled to collect fees or costs accrued in opposing the Defendant’s Notice of Removal, filed May 6, 2024 (Doc. 1); and (iv) the Plaintiff,

on remand, must not assert any claims or raise any issues that involve the Constitution of the United States or other federal law.



UNITED STATES DISTRICT JUDGE

*Counsel:*

A. Blair Dunn  
Jared Robert Vander Dussen  
Western Agriculture, Resource and Business Advocates, LLP  
Albuquerque, New Mexico

*Attorneys for the Plaintiff*

Alex Cameron Walker  
Sonya R. Burke  
Celina Christine Baca  
Tony Aaron Andrade  
Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
Albuquerque, New Mexico

*Attorneys for the Defendants*